

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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JAN - 7 1999

In the Matter of )  
 )  
Assessment and Collection )  
of Regulatory Fees for )  
Fiscal Year 1999 )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MD Docket No. 98-200

To: The Commission

COMMENTS

Small Business in Telecommunications (SBT), by its attorneys, respectfully files its Comments in response to the Commission's Notice of Inquiry in the above captioned matter. In support of its position, SBT shows the following.

SBT is the leading advocate of small business serving the telecommunications marketplace. Its hundreds of members provide goods and services to local governments, industry, and the public. SBT's members hold licenses to provide paging, two-way, microwave, trunked, conventional, and a host of other radio services to hundreds of thousands of end users and subscribers. Small businesses' ability to rationally compete within the marketplace and serve its customers in a cost-effective manner is a vital component of SBT's initiative. Accordingly, SBT and its members are quite concerned with assisting the Commission in its efforts to apply fairly and rationally its rules for assessing and collecting fees.

In its NOI, the Commission sought comment on "clarifying the Commercial Mobile Radio Services fee categories and demarcation of which types of services or usage to include in

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each category". The Commission explained that it "must be able to determine, or estimate with some degree of precision, the number of feeable units that are within each fee payment category and be able to determine the pro rata share of the regulatory costs that must be assessed per feeable unit". The Commission stated that it was "not aware of any existing records or other sources of information that would permit development of any of the proposals offered by the commentors," NOI at para. 9.

In its Comments filed in response to the Commission's 1998 NPRM, SBT explained how the Commission should definitively assign each type of service to the appropriate proposed fee category. The NOI correctly explained, at paragraph 8, that the Commission divided the CMRS Mobile Service category from the CMRS Messaging Service category on the basis of authorized channel bandwidth, but that the Commission failed to follow that basis of separation in placing the various Radio Services in the Mobile Service or Messaging Service categories. To avoid burdening the record with a restatement of its position, SBT respectfully refers the Commission to SBT's 1998 Comments.

The Commission has the only records from which any of the commentors' proposals can be developed and the Commission has all of the records required for the task. All that the Commission needs to do is process its own base of data to ascertain the necessary information.

Regulatory fee payments for the CMRS stations have been reported by each licensee with reference to each assigned call sign. Processing the call signs in its regulatory fee records



against the Commission's license data base will ascertain the Radio Service (*e.g.*, SMR, Paging and Radiotelephone, or Public Coast) for each call sign. To ascertain the number of mobile units using each station, it is necessary only to divide the amount of the fee paid for each station by the fee assessed to that category of station. At the end of this simple, automated process, all that needs to be done is to obtain the total number of mobile units for which fees have been paid for each Radio Service. With that information in hand, it should be easy to determine the effect on the Commission's objectives and requirements of each of the commentors' proposals.

Since the Commission has the only complete data and has all of the necessary data, the only responsible action for the Commission to take is to analyze that data thoroughly. Ignoring its data but proceeding to establish levels of fees would be arbitrary and capricious. Therefore, the Commission should analyze its data and should revise its schedule of fees to reflect the logical basis on which it established its CMRS fee categories.

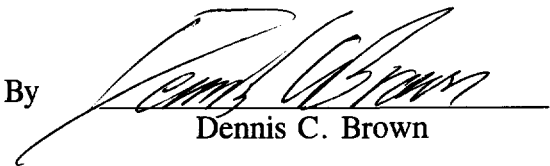


Conclusion

For all the foregoing reasons, SBT respectfully suggests that the Commission analyze its base of data and correct its CMRS fee categories as suggested by SBT.

Respectfully submitted,  
SMALL BUSINESS IN  
TELECOMMUNICATIONS

By

A handwritten signature in black ink, appearing to read "Dennis C. Brown", is written over a horizontal line.

Dennis C. Brown

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